

**** E-filed July 24, 2012 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PACIFIC ELITE FUNDS, INC.,

No. C12-03805 HRL

Plaintiff,

v.

JESUS PEREZ; ET AL.,

Defendant.

**INTERIM ORDER RE:
APPLICATION TO PROCEED IN
FORMA PAUPERIS AND DEADLINE
FOR CONSENT OR DECLINATION
TO PROCEED BEFORE
MAGISTRATE JUDGE**

[Re: Docket No. 3]

On July 20, 2012, defendants Jesus Perez and Natividad Perez removed this action from Santa Cruz County Superior Court. Dkt. No. 1 ("Notice of Removal"). They have not complied with 28 U.S.C. § 1446. A defendant or defendants desiring to remove a civil action must file "a notice of removal . . . containing a short and plain statement of the grounds for removal, *together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.*" 28 U.S.C. § 1446(a) (emphasis added). Defendants have not attached any process, pleadings, or orders served in the state court action. Accordingly, the defendants shall file all of the required documents from the state court action **no later than August 3, 2012.**

In addition, only one of the defendants, Natividad Perez, has filed an application to proceed *in forma pauperis*. Defendants are advised that *each* defendant must file a separate application, or the defendant who has not filed an application will be obligated to pay the filing fee even if the

1 application is granted as to the other defendant. If Jesus Perez intends to file an application to
2 proceed *in forma pauperis*, he shall file it **no later than August 3, 2013**.

3 In addition, the parties are reminded that this civil case has been randomly assigned to a
4 magistrate judge for all purposes including trial. Accordingly, all parties who have not yet done so
5 shall, **no later than August 3, 2012**, file either (1) a Consent to Proceed before a United States
6 Magistrate Judge or (2) a Declination to Proceed before a Magistrate Judge and Request for
7 Reassignment to a United States District Judge. See N.D. Cal. Civ. R. 73-1. The consent and
8 declination forms are available at the Clerk's Office and may also be obtained from the court's
9 website at <http://www.cand.uscourts.gov>.

10 **IT IS SO ORDERED.**

11 Dated: July 24, 2012

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14 HOWARD R. LLOYD
15 UNITED STATES MAGISTRATE JUDGE
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1 **C12-03805 HRL Notice will be electronically mailed to:**

2 Michael James Barsi

3 **Notice will be sent by mail to:**

4 Jesus C. Perez
727 Lincoln Avenue
5 Watsonville, CA 95076

6 Natividad Perez
727 Lincoln Street
7 Watsonville, CA 95076

8 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
9 **registered for e-filing under the court's CM/ECF program.**

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